

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: STEVEN I. LOCKE  
U.S. MAGISTRATE JUDGE

DATE: 1/11/2018  
TIME: 11:00 am

**CASE: CV 16-4581(ADS) In Re The Hain Celestial Group, Inc. Securities Litigation**

TYPE OF CONFERENCE: MOTION

FTR: 10:44-11:12

**APPEARANCES:**

For Plaintiff: Seth Jessee  
Michael Canty

For Defendant: Timothy Hoeffner  
Jason Gerstein

**THE FOLLOWING RULINGS WERE MADE:**

- ☐ Scheduling Order entered.
- ☐ The court has adopted and So Ordered the joint proposed scheduling order [ ] submitted by the parties.
- ☐ The Joint Pretrial Order is accepted for filing and the action is deemed ready for trial. The action will be tried in accordance with the discretion and the trial calendar of the District Judge.
- ☒ Other: Plaintiffs' motion to lift the stay, DE [82], is denied for the reasons set forth on the record. See Gruber v. Gilbertson, 16 CV 727, 2017 WL 3891701 (S.D.N.Y. Sept. 5, 2017); Kuriakose v. Fed. Home Loan Mortg. Co., 674 F. Supp.2d 483 (S.D.N.Y. 2009); Westchester Putnam Heavy & Hwy Laborers Local 60, 08 Civ. 9528, 2009 WL 1285845 (S.D.N.Y. May 8, 2009). Plaintiffs have failed to establish the necessary "undue prejudice" required to lift the stay. In the Court's view, the fact that Defendants' motion papers on their motion to dismiss pursuant to Rule 12(b)(6) may make certain statements attacking the viability of the Corrected Consolidated Class Action Complaint ("Complaint") by relying on statements outside the Complaint is irrelevant and fails to establish any prejudice whatsoever. The Court will address the motion to dismiss on the merits of the allegations set forth in the Complaint and nothing in the Defendants' motion papers will prejudice Plaintiffs with respect to that analysis.

SO ORDERED

/s/Steven I. Locke  
STEVEN I. LOCKE  
United States Magistrate Judge